

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

# EXHIBIT “1”

# EXHIBIT “1”



**MORAN LAW FIRM LLC**  
MORAN BRANDON BENDAVID MORAN  
ATTORNEYS AT LAW

630 SOUTH 4TH STREET  
LAS VEGAS, NEVADA 89101  
PHONE: (702) 384-8424  
FAX: (702) 384-6568

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

CAROLYN BLACKMON, an individual,

Plaintiff,

vs.

NEW ALBERTSON'S, INC., a Delaware  
Corporation, erroneously named as  
ALBERTSON'S, LLC, a foreign limited  
liability company d/b/a a/k/a ALBERTSON'S  
HOLDINGS, LLC, a foreign limited liability  
company;

Defendants.

CASE NO.:A613128

DEPT. NO.: XXV

**AMENDED SUMMONS**

**NOTICE! YOU HAVE BEEN SUED. THE COURT MAY DECIDE AGAINST YOU  
WITHOUT YOUR BEING HEARD UNLESS YOU RESPOND WITHIN 20 DAYS. READ  
THE INFORMATION BELOW.**

**TO THE DEFENDANT: NEW ALBERTSON'S, INC.**

A civil Complaint has been filed by the plaintiff against you for the relief set forth in the Complaint.

1. If you intend to defend this lawsuit, within 20 days after this Summons is served on you exclusive of the day of service you must do the following:

a. File with the Clerk of this Court, whose address is shown below, a formal written response to the Complaint in accordance with the rules of the Court.

b. Serve a copy of your response upon the attorney whose name and address is shown below.

2. Unless you respond, your default will be entered upon application of the plaintiff and this Court may enter a judgment against you for the relief demanded in the Complaint, which could result in the taking of money or property or other relief requested in the Complaint.

3. If you intend to seek the advice of an attorney in this matter, you should do so promptly so that your response may be filed on time.

**Issued at direction of:**

Clerk of Court

  
WILLIAM K. ERRICO, ESQ.

Nevada Bar No. 6633  
2850 W. Horizon Ridge Parkway  
Suite 200  
Henderson NV 89052

By: \_\_\_\_\_  
**Deputy Clerk** Date

County Courthouse  
200 South Third Street  
Las Vegas, Nevada 89155

1 **ACOM**  
2 **WILLIAM K. ERRICO, ESQ.**  
3 Nevada Bar No. 6633  
4 **WILLIAM ERRICO & ASSOCIATES**  
5 2850 W. Horizon Ridge Parkway  
6 Henderson Nevada 89052  
7 (702) 434-43571  
8 Attorney for Plaintiff  
9

6 **DISTRICT COURT**  
7  
8 **CLARK COUNTY, NEVADA**  
9

10 **CAROLYN BLACKMON, an individual,**  
11 **Plaintiff(s),**

Case No.: A-613128  
Dept. No.:XXV

12 vs.

13 **NEW ALBERTSON'S, INC., a Delaware**  
14 **Corporation, erroneously named as**  
15 **ALBERTSON'S, LLC, a foreign limited liability**  
16 **company; ALBERTSON'S HOLDINGS, LLC, a**  
17 **foreign limited liability company;**  
18 **DOES I through X, and ROE COMPANIES XI**  
19 **through XX, inclusive,**

20 **Defendants.**

21 **AMENDED COMPLAINT**

22 COMES NOW, Plaintiff CAROLYN BLACKMON, by and through her attorneys of record,  
23 WILLIAM ERRICO & ASSOCIATES, and for her causes of action against Defendants, and each of  
24 them, alleges as follows:

25 1. At all times mentioned herein, Plaintiff CAROLYN BLACKMON was physically  
26 within the County of Clark, State of Nevada; and availed herself to the jurisdiction of said County and  
27 State.  
28



**FIRST CAUSE OF ACTION**

**(NEGLIGENCE)**

8. Plaintiff hereby repeats, realleges, and incorporates by reference, as though set forth fully herein, all allegations contained in Paragraphs 1 through 7, inclusive.

9. Defendant owed Plaintiff a duty to maintain its premises in a reasonably safe condition and to warn of dangerous conditions. By creating and/or permitting a dangerous condition (unscrewed metal plate) to exist on its premises and failing to warn of such condition, Defendant breached that duty. As a proximate result of that breach, Plaintiff has suffered damages, which include but are not limited to, past and future medical specials, past and future pain and suffering and mental anguish.

10. That Defendants, and each of them, either knew or should have known that the metal plate was not set in proper working condition, thus, creating hazardous conditions on the Defendant's premises.

12. That Defendant, and each of them, had a duty to maintain its premises in a safe condition.

13. That Defendant by having a dangerous unscrewed metal plate to exist on its premises, exposed Plaintiff to an unreasonable risk of harm.

14. That Defendant breached duty due care by failing to keep its premises in safe condition, thus, causing Plaintiff to suffer debilitating injuries to her organs and body.

15. That Plaintiff was required to obtain the services of an attorney to assist in the prosecution of this claim and is, therefore, entitled to recovery for costs and attorney fees.

WHEREFORE, PLAINTIFF prays judgment against DEFENDANT, and each of them, on each aforesaid cause of action for:

- (1) General and Special damages in a sum in excess of Ten Thousand Dollars;
- (2) Attorney's fees incurred on behalf of PLAINTIFF;
- (3) Pre-Judgment Interest;

1 (4) Costs incurred herein; and

2 (5) Any such further relief as the Court deems just, fair and equitable.

3 DATED this 21 day of APRIL, 2010.

4 **WILLIAM ERRICO & ASSOCIATES**

5  
6 

7 **WILLIAM K. ERRICO, ESQ.**

8 Nevada Bar No. 6633

9 2850 W. Horizon Ridge Parkway Suite 200

10 Henderson Nevada 89052

11 Attorneys for Plaintiff